

# Order

Michigan Supreme Court  
Lansing, Michigan

May 23, 2014

Robert P. Young, Jr.,  
Chief Justice

148627

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 148627  
COA: 309183  
Muskegon CC: 10-059331-FH

JOSEPH FRANK HERSHEY,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the December 5, 2013 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). We further ORDER the Muskegon Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint counsel to represent the defendant in this Court. At oral argument, the parties shall address whether the defendant waived his challenges to the scoring of Offense Variable (OV) 16, MCL 777.46, and OV 19, MCL 777.49, when the defendant and his counsel informed the trial court they reviewed and discussed the Presentence Investigation Report and had no additions, deletions or corrections to offer. The parties shall file supplemental briefs within 42 days following the appointment of counsel, but they should not submit mere restatements of their application papers.



s0520

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 23, 2014

  
Clerk